

JUDGES: DEMOCRATS' UNPRECEDENTED OBSTRUCTION



Democrats' partisan obstruction of President Bush's judicial nominees is unprecedented.

- Never before has a judicial nominee with clear majority support been denied an up-or-down vote on the Senate floor.
- In 2003, the Democratic minority unilaterally changed the rules to require a new confirmation standard of 60 votes, instead of 51, for certain judicial nominees.
- A minority of Democrats used partisan filibusters to permanently block votes for 10 qualified, majority-supported appeals court nominees, and threatened 6 others.
- Now with 7 of the 10 re-nominated, the minority is making irresponsible threats to shut down the Senate if they don't get their way.

This is an issue of fairness and constitutional duty to provide up-or-down votes for all nominees who reach the floor.

- Every judicial nominee deserves a fair, up-or-down vote.
- All Senators have a duty to give advice and consent by voting yes or no.
- Republicans have devoted more than 150 hours to debating judicial nominees and tried repeatedly to reach a compromise that would allow up-or-down votes.

Ending judicial filibusters safeguards the balance of powers and will not affect legislative filibusters.

- Constitutional principle demands that the Senate act to restore more than 200 years of precedent and guarantee fair treatment for all judicial nominees.
- The majority continues to support the legislative filibuster due to its longstanding place in Senate tradition, unlike the judicial filibuster, which always was rejected.
- The majority is committed to upholding the separation of powers and our system of checks and balances, which includes an independent judiciary.

FACTS ABOUT DEMOCRATS' PARTISAN FILIBUSTERS



Republicans' Exhaustion of Debate and Deliberation

- Republicans have sought only one thing in the standoff – a fair, up-or-down vote – but Democrats refuse to compromise.
- Democrats can't blame their partisan obstruction on a lack of deliberation. The Senate devoted far more time to debate in the 108th than any previous Congress.
- When asked how many hours Democrats needed to debate Priscilla Owen, Sen. Harry Reid said, "There is not a number in the universe that would be sufficient." (Congressional Record, April 8, 2003)

Bush's Historically Low Appeals Court Confirmation Rate

- Democrats' judicial filibusters target important appeals court nominations, second only to Supreme Court in their influence.
- Don't be confused by the Democrats' rhetoric that they approved the vast majority of Bush's judges – these are mostly district court nominations.
- Bush had the lowest first-term appeals court confirmation rate of any modern president – nearly one-third did not receive a vote, some waiting 3 or 4 years.

The Filibustered Nominees

- Every one of the filibustered judicial nominees has bipartisan, majority support and is well qualified to serve on the bench.
- All will make good judges who will follow the law, not make the law.
- Republicans will oppose Democrats' attempts to use ideological litmus tests to block qualified nominees.



Prepared by the Senate Republican Conference

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